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February 19, 2020

David May, Secretary
Zoning Department
Township of Middle
33 Mechanic Street
Cape May Court House, NJ 08210

Re: Planning Board Application – County of Cape May
Block 1450, Lots 5 and 10
Amended Site Plan Approval with Waivers and Variances

Dear David:

As you know, our firm represents the Applicant, the County of Cape May, for the above referenced matter to be scheduled before the Planning Board. The Applicant seeks all required approvals and relief so as to permit the renovation of what is commonly identified as the County Commons. The proposed uses include retail stores, public office space, bar, restaurant, movie theater and bowling alley. In the previous appearance, the public office space was approved as a conditional use.

The following relief and approvals are requested:

Variances:

1. Maximum coverage, impervious (adding more coverage with parking in southeast corner)
2. Parking Spaces
3. Storefront and Directory signs

Approvals:

1. Amended Site Plan approval

Waivers:

1. Existing and proposed runoff calculations and soil borings indicating the depth to seasonal high water
2. Traffic Study

3. Environmental Impact Assessment
4. Environmental Assessment Report

In accordance with the application for development, the following numbered paragraphs follow the required justifications for the approvals, waivers and variances as set forth in the Application:

Paragraph 1.

Statement of facts showing why the variance relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Middle Township Zoning Plan and Zoning Ordinance.

The purpose of the Town Center is to promote a desirable mix of commercial, office, civic and residential land uses within a compact, vibrant, pedestrian-friendly environment with an emphasis on uses that serve the community and regional needs. The Applicant intends to provide two (2) outdoor dining/snack areas, additional signage for ease of location and direction of the renovated movie theater and bowling alley, and a larger trash enclosure for the complex.

The bulk and sign variances requested seek to enhance the experience of the public's use of the County Commons. The building itself is not being increased; however, due to the outdoor dining areas (despite the reduction of the movie theater seats by half) and anticipated restaurant usage, a parking variance is required. As a result of the enlarged trash collection area, the impervious coverage is increased. In regard to the signage, there is a relocation of one sign, which does not require a variance; however, the Applicant seeks two additional signs for the Movie Bowl and adjacent Outdoor dining area for Unit 10.

No use variance is required. Indeed, the renovated movie theater, bowling alley and outdoor dining areas enhance the purposes of the municipal land use law. The larger trash enclosure area provides for better public health by providing adequate receptacles. Here, the bulk and sign variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Middle Township Zoning Plan and Zoning Ordinance. Moreover, the neighborhood is improved by providing additional entertainment, recreational and eating options all within walking distance – a purposes of the Town Center.

State why the variance can be granted without substantial harm to the neighborhood and without significant overturning of the Township Zoning Plan.

There is no substantial harm to the neighborhood given the improvements already exists. The footprint of the building improvements are not increasing. There is adequate road and parking infrastructure.

Paragraph 2.

Attach to this application a statement specifying the hardship/exceptional conditions of the specific property involved justifying the granting of a variance pursuant to N.J.S.A. 40:55D-

70c(1).

Pursuant to c.(1) where by reason of an extraordinary and exceptional situation uniquely the structures lawfully existing thereon, the strict application of any regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the grant of a variance from such strict application of such regulation would serve to relieve such difficulties or hardship. Here, the building improvements lawfully exist on the property. The site surrounding the property creates practical difficulties to increase available parking while reducing impervious coverage and providing for adequate trash receptacles. Given the amount of land useable for parking, the Applicant options for full compliance are limited. In regard to signage, the existing building limits itself to areas for signage.

Paragraph 3.

Attach to this application a statement setting forth the facts supporting the contention that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question and the benefits of that deviation would substantially outweigh any detriment pursuant to N.J.S.A. 40:55D-70c(2).

The purposes of municipal land use law that are relative to this project include:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.

Outdoor dining and additional recreational, eating and entertainment venues promote the general welfare of the public. An adequate trash enclosure area provides for public health.

c. To provide adequate light, air and open space;

The use of outdoor dining encourages an open space design and an area for the public to enjoy.

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

A renovated movie theater, bowling alley and outdoor dining provides additional recreational, entertainment and eating venues for the public.

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

The combination of the signage, renovated recreational, entertainment and eating venues is an enhancement for the public to enjoy.

The Applicant has provided the following application/escrow fees:

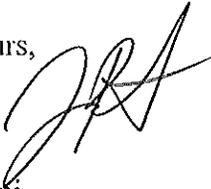
Amended Site Plan	\$400/\$600
C(1)	\$500/\$1500
C(2)	\$500/\$1500

Total \$1,400/\$3,600

It is anticipated that the County Planning Board will not require an Application for County Approval. At this time, there is no intention to seek County Planning Board approval.

Enclosed, please find the Application and all supporting documents.

Should you require any additional information, please do not hesitate to contact me. I remain,

Very truly yours,
Jon Batastini 
Jon D. Batastini

SUBMISSION FORM BREAKDOWN FOR MIDDLE TOWNSHIP PLANNING BOARD OR
ZONING BOARD OF ADJUSTMENT
ACCEPTANCE CHECKLIST

When an application for development is submitted to the Zoning Office for filing the application package shall be reviewed before it is accepted for filing and for forwarding to the Board Engineer for a completeness review. If the application does not meet all requirements noted below it shall be returned to the party filing it for correction and re-filing. **Please sign to acknowledge all items are done.**

Date: February 12, 2020

Applicant: County of Cape May

Applicant's e-mail: jon@lgblaw.com

Block: 1450 Lot(s): 5 and 10

1. Twenty (20) copies of all plans (subdivision, site plan)
2. Five (5) copies of architectural plans
3. Twenty (20) copies of the Application Form (you need not copy instruction pages)
4. Twenty (20) copies of either the Subdivision Form or Site Plan Form (whichever pertains to your application)
- N/A 5. Three (3) copies of photos of the site (if required)
6. One (1) copy of the Survey/Plan/Plat Affidavit (as revised)
7. One (1) copy of Escrow & Application Fees
8. One (1) copy of W-9 form
9. One (1) copy of completed Proof of Payment of Taxes form
- TBE 10. One (1) copy of Notice of Hearing of Application form (to be submitted five (5) business days prior to hearing date)
- TBE 11. One (1) copy of Affidavit of Service & Publication (to be submitted five (5) business days prior to hearing date)
- TBE 12. Three (3) copies of additional submissions such as traffic studies, environmental impact statements, drainage calculations and similar technical documents (if applicable)
13. Two (2) separate checks made payable to **Township of Middle** for application and escrow fees

- 14. One (1) check made payable to **Bureau of Fire Prevention** (if applicable)
- 15. One (1) USB or Floppy Disc with complete plans and application
- 16. Submit County forms directly to the County Planning Board along with the appropriate County fees.



Signature of the Applicant

Attorney for Applicant

Initials from
Zoning Office

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM

GARRETT & BATASTINI, PA
A PROFESSIONAL ASSOCIATION
ATTORNEY BUSINESS ACCOUNT
3318A SIMPSON AVE.
OCEAN CITY, NJ 08226

STURDY SAVINGS BANK

7995
55-7128/2312
CHECK NUMBER

2/19/2020

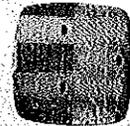
PAY TO THE ORDER OF Township of Middle

\$**1,400.00

One Thousand Four Hundred and 00/100***** DOLLARS

MEMO

Application Fee/ Cape May County



AUTHORIZED SIGNATURE

⑈007995⑈ ⑆231271284⑆ 940 003781 9⑈

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM

GARRETT & BATASTINI, PA
A PROFESSIONAL ASSOCIATION
ATTORNEY BUSINESS ACCOUNT
3318A SIMPSON AVE.
OCEAN CITY, NJ 08226

STURDY SAVINGS BANK

7996
55-7128/2312
CHECK NUMBER

2/19/2020

PAY TO THE ORDER OF Township of Middle

\$**3,600.00

Three Thousand Six Hundred and 00/100***** DOLLARS

MEMO

Escrow Fee/ Cape May County



AUTHORIZED SIGNATURE

⑈007996⑈ ⑆231271284⑆ 940 003781 9⑈

MIDDLE TOWNSHIP PLANNING BOARD

SURVEY/PLAN/PLAT AFFIDAVIT

State of New Jersey:

ss

County of Cape May:

Jeffrey Lindsay being duly sworn according to law,
(Name)
upon his oath deposes and says:

1) I am the owner of the property known and identified as Block 1450,
Lot(s) 5/10 in the Township of Middle or I am the applicant for development in
this matter.

2) ~~The attached sealed survey/plan/plat prepared by _____ and
dated _____, accurately reflects the physical condition of the property as
of the date of this affidavit and there have been no changes or alterations to the property
since the date of the sealed survey/plan/plat.~~ J.L.

3) I make this affidavit in support of an application for development before the Middle
Township Planning Board and understand that said Board shall rely on the ~~current~~ JL
accuracy of the said survey/plan/plat in considering the application for development of
the property.



Signature of Owner/Applicant

NOTE: The survey submitted with an Application must be prepared and dated within 12 months
of the date of the application to the Board. The above Affidavit covers the time period from the
date of the survey submitted to the date of the Application. If there have been significant
changes to the premises a current survey may be required by the Planning Board Secretary
and/or Planning Board Engineer.

Sworn and subscribed to
Before me this 14/2
Day of February, 20 20

Notary Public
My Commission Expires _____

Attorney of LAU.

The survey accurately reflects the physical
condition of the property as of the date of the survey. The
property has on-going construction that changes the site
in accordance with approved site plans
Joe Batestini

MIDDLE TOWNSHIP PLANNING BOARD
33 MECHANIC ST
CAPE MAY COURT HOUSE, NJ 08210

Date: 2/12/20

Re: Block 1450

Lot(s) 5 and 10

File _____

I hereby acknowledge that the escrow funds that I have deposited in conjunction with my Zoning Board/Planning Board application are to be used for services and reviews by Township professionals. I understand that additional funds may be required to be deposited when the original amount is depleted by sixty (60%) and the development application is still in progress.

I further understand that pursuant to Middle Township Ordinance section 218-48D, escrow amounts not actually used shall be refunded to me upon my request and upon recommendation of the Planning Board and/or the Zoning Board of Adjustment and the Township Engineer, and that if I fail to request said unused escrow funds for a period of two (2) years, from the date of written certification by the Township Engineer, that all site work for my development project has been completed, said funds shall be rendered non-refundable.

Also, pursuant to the Municipal Land Use Law, the Township will not give to me any interest on the escrow account funds which does not exceed one hundred (\$100.00) dollars per year. If the interest exceeds one hundred (\$100.00) per year, the Township will retain, for administrative purposes, thirty-three and one-third ($33 \frac{1}{3}$) percent of the interest amount.

Applicant

MIDDLE TOWNSHIP PLANNING BOARD
ESCROW FEES AND APPLICATION FEES

Applicant's Name: County of Cape May
Address: 4 Moore Road, Cape May Court House, New Jersey 08210

Address of Property
Subject to the
Application 3801 RTE 9 South
(Street Address)

Block: 1450 Lot(s) 5 and 10

Amount of required escrow \$ 3,600

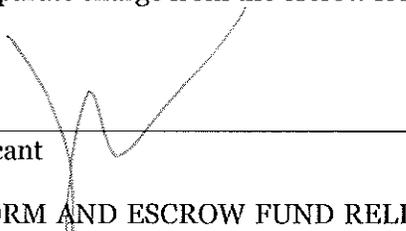
Amount of required application fees \$ 1,400

Application fees and escrow fees must be submitted in separate checks payable to **Middle Township**. The escrow fee shall be forwarded by the Zoning Officer to the Treasurer of Middle Township for deposit into a Developer's Escrow Account. The application fee shall be deposited in the Planning Board Account. Additional funds may be required when the original amount is depleted by 60% and the Development Application is still in progress. The amount of additional funds needed shall be determined by the Zoning Officer and the Township Engineer. Said escrow funds shall be used to pay the fees of professional personnel employed to assist the Middle Township Planning Board in the review of the application, to prepare board resolutions and other legal documents relating to the application, and to inspect and approve construction. Professional fees shall be billed through the Municipality's voucher system and approved for payment by the Township Committee. Any excess funds remaining in the escrow account at the time when all required improvements have been finally accepted and all professional work completed, shall be returned to the applicant provided the applicant applies within two years after the completion of the project and completes, at the time of the application to the Planning Board, the request form and the W-9 form attached to this form.

The application fee is non-refundable and is a separate charge from the escrow fee.

I understand and consent to the foregoing.

Date: _____

Applicant 

ATTACHED FEE BREAKDOWN SHEET, W-9 FORM AND ESCROW FUND RELEASE FORM
MUST BE COMPLETED AND SUBMITTED.

MIDDLE TOWNSHIP PLANNING BOARD

FEE BREAKDOWN SHEET

When submitting the required Escrow Fees and Application Fees, the Applicant shall breakdown the manner in which he calculated the required fees by completing this form.

Application Type(s):	Application Fee:	Escrow Fee:
Amended Site Plan	\$400	\$600
Variances (c1) and c(2)	\$1,000	\$3,000

Application Fee(s)
Total: \$ 1,400

Escrow Fee(s)
Total \$ 3,600

Applicant's Signature

2/14/20
Date

MIDDLE TOWNSHIP PLANNING BOARD

PROOF OF PAYMENT OF TAXES

Every application for development submitted to the Planning Board shall be accompanied by this form.

Applicant's Name & Address:

County of Cape May

4 Moore Road, Cape May Court House, NJ 08210

Property Owner's Name & Address:

same

Address of Property Subject to the Application:

3801 RTE 9 South

Block: 1450

Lot(s): 5,10

B14 1450 Lot 5 Qual C0001, 2, 4, 5, 6
TO BE COMPLETED BY TAX COLLECTOR

A. All taxes are current through the _____ quarter of _____.

TAX
Date: EXEMPT. Middle Township
Tax Collector: (Signature)

B. Block 1450 Lot 5 Qualifier C0003
Taxes are due on the above referenced property as follows:

Amount of taxes due through the
1st quarter of 2020, _____ \$ 50,350.67

Date: 2/12/2020 Middle Township
Tax Collector: (Signature) ^{as of} 2/12/2020

LIST OF PROPERTY OWNERS TO BE SERVED NOTICE

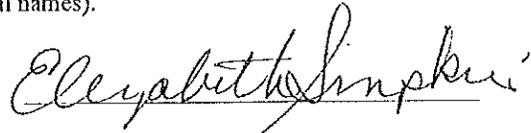
PLANNING BOARD
TOWNSHIP OF MIDDLE
33 MECHANIC STREET
CAPE MAY COURT HOUSE, NJ 08210

DATE: February 18, 2020

OWNERS NAME: CAPE MAY COUNTY

BLOCK: 1450 LOT 5 C0001 - C0006 PROPERTY LOCATION: 3801 RTE 9 S

I certify that the following is an accurate and complete list of property owners and addresses. They must be given notice pursuant to the requirements of N.J.S.A. 40:55D-12. This list has been prepared from the most recent tax rolls. (See attached sheet(s) for additional names).



PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS
1447 1	1111 RTE 47 S	4A	SPIRIT MASTER FUNDING IV LLC 2727 N HARWOOD STE #300 DALLAS, TX 75201
1447 2	10 SCHOOL LANE	4A	RIO BUILDING FUND LLC PO BOX 5312 YEADON, PA 19050
1447 3 C0001	102 SCHOOL LANE #A	2	ADELIZZI, RICHARD 11 N DELAWARE AVE DEL HAVEN, NJ 08251
1447 3 C0002	102 SCHOOL LANE #B	2	FALA, EDWARD & MARIA 102 SCHOOL LANE #B RIO GRANDE, NJ 08242
1447 4	104 SCHOOL LANE	2	LAWRENCE, HARRY M 104 SCHOOL LANE RIO GRANDE, NJ 08242
1447 5	106 SCHOOL LANE	2	JAUME, DANIEL 106 SCHOOL LANE RIO GRANDE, NJ 08242
1447 6	108 SCHOOL LANE	2	HORNBECK, FRANCIS C III 108 SCHOOL LANE RIO GRANDE, NJ 08242
1447 7	200 SCHOOL LANE	2	DI STEFANO, JAMES A & KERI A 200 SCHOOL LANE RIO GRANDE, NJ 08242
1447 8	202 SCHOOL LANE	2	CONRAD, ASHLEY 202 SCHOOL LANE RIO GRANDE, NJ 08242
1447 9	204 SCHOOL LANE	2	TOLAND, JOSEPH D 204 SCHOOL LANE RIO GRANDE, NJ 08242

1447 10	206 SCHOOL LANE	2	JANICKI, GREGORY W & KATHLEEN 206 SCHOOL LANE RIO GRANDE, NJ 08242
1447 11	210 SCHOOL LANE	2	SANFILIPPO, LEONARD A & RACHBL C 210 SCHOOL LANE RIO GRANDE, NJ 08242
1450 1	1115 RTE 47 S	4A	WEINBERGER, MARILYN S 150 RTE 47 N CAPE MAY COURT HOUSE, NJ 08210
1450 2	1117 RTE 47 S	2	WEINBERGER, MARILYN S 150 RTE 47 N CAPE MAY COURT HOUSE, NJ 08210
1450 3	1119 RTE 47 S	4A	KREER BROTHERS LLC 1921 HICKORY HILL RD CHADDS FORD, PA 19317
1450 4 C0001	1121 RTE 47 S #1	4A	PAWLUS, FABIO 1228 BAYSHORE RD VILLAS, NJ 08251
1450 4 C0002	1121 RTE 47 S #2	4A	PAWLUS, FABIO 1228 BAYSHORE RD VILLAS, NJ 08251
1450 4 C0003	1121 RTE 47 S #3	4A	BAALS, JOSEPH E 3300 CRESCENT BLVD WEST COLLINGSWOOD, NJ 08107
1450 4 C0004	1121 RTE 47 S #4	4A	HANER, RAYMOND S & SANDRA 2341 SE GILLETTE AVE PORT ST LUCIE, FL 34592
1450 4 C0006	1121 RTE 47 S #6	15D	JERSEY CAPE DIAGNOSTIC TRAINING CTR 4 MOORE RD DN606 CAPE MAY COURT HOUSE, NJ 08210
1450 4 C0007	1121 RTE 47 S #7	15D	JERSEY CAPE DIAGNOSTIC TRAINING CTR 4 MOORE RD DN606 CAPE MAY COURT HOUSE, NJ 08210
1450 4 C0008	1121 RTE 47 S #8	15D	JERSEY CAPE DIAGNOSTIC TRAINING CTR 4 MOORE RD DN606 CAPE MAY COURT HOUSE, NJ 08210
1450 4 C0009	1121 RTE 47 S #9	4A	CHUCK KIRNER ENTERPRISES LLC 15 HEREFORD AVE CAPE MAY COURT HOUSE, NJ 08210
1450 4 C0010	1121 RTE 47 S #10	4A	JNJ REAL ESTATE INVESTMENTS LLC 9 ANCHORAGE AVE SEAVILLE, NJ 08230
1450 5 C0001	3801 RTE 9 S #A	4A	CAPE MAY COUNTY 4 MOORE RD DN 107 CAPE MAY COURT HOUSE, NJ 08210

1450 5 C0002	3801 RTE 9 S #B	15C	CAPE MAY COUNTY 4 MOORE RD DN 107 CAPE MAY COURT HOUSE, NJ 08210
1450 5 C0003	3801 RTE 9 S #C	15C	CAPE MAY COUNTY 4 MOORE RD DN 107 CAPE MAY COURT HOUSE, NJ 08210
1450 5 C0004	3801 RTE 9 S #D	4A	CAPE MAY COUNTY 4 MOORE RD DN 107 CAPE MAY COURT HOUSE, NJ 08210
1450 5 C0005	3801 RTE 9 S #E	15C	CAPE MAY COUNTY 4 MOORE RD DN 107 CAPE MAY COURT HOUSE, NJ 08210
1450 5 C0006	3801 RTE 9 S #F	4A	CAPE MAY COUNTY 4 MOORE RD DN 107 CAPE MAY COURT HOUSE, NJ 08210
1450 6 C0001	1127 RTE 47 S #1	4A	PZLRE LLC 6300 PACIFIC AVE WILDWOOD CREST, NJ 08260
1450 6 C0002	1127 RTE 47 S #2	4A	NELSON, PATRICIA 25 SECLUDED LANE RIO GRANDE, NJ 08242
1450 6 C0003	1127 RTE 47 S #3	4A	MALONEY, RICHARD W 15 ROSSI DRIVE CAPE MAY, NJ 08204
1450 6 C0004	1127 RTE 47 S #4	4A	PETRUCELLI, JAMES L JR 1127 RTE 47 S #4 RIO GRANDE, NJ 08242
1450 6 C0005	1127 RTE 47 S #5	4A	ZUZULOCK, CARL M & NANCY K PO BOX 652 WILDWOOD, NJ 08260
1450 6 C0006	1127 RTE 47 S #6	4A	RANAILLI, EDWARD 1127 RTE 47 S #6 RIO GRANDE, NJ 08242
1450 6 C0007	1127 RTE 47 S #7	4A	PAJO REALTY LLC 1011 WELSH RD PHILADELPHIA, PA 19115
1450 6 C0008	1127 RTE 47 S #8	4A	NGUYEN, TU 4 WIDGEON WAY NORTH CAPE MAY, NJ 08204
1450 6 C0009	1127 RTE 47 S #9	4A	UETZ, RONALD L 311 E 20TH ST NORTH WILDWOOD, NJ 08260
1450 6 C0010	1127 RTE 47 S #10	4A	ADAMSUFFLEMAN LLC 1127 RTE 47 S #10 RIO GRANDE, NJ 08242

1450 6 C0011	1127 RTE 47 S #11	4A	JANICKI, GREGORY W & KATHLEEN 206 SCHOOL LANE RIO GRANDE, NJ 08242
1450 6 C0012	1127 RTE 47 S #12	4A	PETS CARE LLC 1127 RTE 47 S #12 RIO GRANDE, NJ 08242
1450 7	3703 RTE 9 S	15C	STATE OF NJ DEPT OF TRANSPORTATION 1035 PARKWAY AVE TRENTON, NJ 08625
1450 8	3707 RTE 9 S	4A	CAPE MAY CO SAVINGS & LOAN ASSOC PO BOX 2009 TOMS RIVER, NJ 08754
1450 9	3905 RTE 9 S	4A	O'CONNELL, WILLIAM 210 E 2ND AVE NORTH WILDWOOD, NJ 08260
1450 11	4003 RTE 9 S	2	LAREAU, JANETTE 1130 WYOMING DRIVE MOUNTAINSIDE, NJ 07092
1450 12	4005 RTE 9 S	4A	OCEAN DRIVE CLEVELANDER INC 1390 OCEAN DRIVE #503 MIAMI BEACH, FL 33139
1450 18	20 CHURCH RD	2	SEA GEAR PROPERTIES LLC 926 SEASHORE RD CAPE MAY, NJ 08204
1464.01 2	3601 RTE 9 S	4A	ERJJ LP / JULIANO 200 CAMPBELL DR STE 200 WILLINGBORO, NJ 08046
1464.01 3	1120 RTE 47 S	15F	RIO GRANDE VOL FIRE CO PO BOX 672 RIO GRANDE, NJ 08242
1507 3	3702 RTE 9 S	4A	BARBRUCE REALTY CO/ AUTO ZONE#1660 PO BOX 182463 COLUMBUS, OH 43218
1513 1	3800 RTE 9 S	15D	GRACE GOSPEL CHURCH & HALL 3802 RTE 9 S RIO GRANDE, NJ 08242
1513 2	3808 RTE 9 S	4A	WILLIAMS, JAMES E & REGINA 201 E 21ST AVE NORTH WILDWOOD, NJ 08260
1513 3	3900 RTE 9 S	4A	WILLIAMS, JAMES E & REGINA 201 E 21ST AVE NORTH WILDWOOD, NJ 08260
1513 4	3906 RTE 9 S	2	WILLIAMS, JAMES E & REGINA 201 E 21ST AVE NORTH WILDWOOD, NJ 08260
1523 6	4000 RTE 9 S	4A	RIO-MAR PROPERTIES LLC 307 FELLOWSHIP RD #300 MOUNT LAUREL, NJ 08054

SCHOOL LANE
NEW YORK AVE
WALSH
RIO GRANDE AVE

ROUTE 47
ROUTE 9

TOWNSHIP OF MIDDLE
33 MECHANIC STREET
CAPE MAY COURT HOUSE, NJ 08210

STATE OF NJ. DEPT OF TRANSPORTATION
1035 PARKWAY AVE
TRENTON, NJ 08265

Pursuant to changes in the Municipal Land Use Law, effective August 7, 1991, all public utilities and public cable companies, PERTINENT TO THE PARTICULAR PROPERTY, must be noticed. We have enclosed a copy of those agencies, for your convenience.

CONNECTICUT REAL ESTATE DEPT
5100 HARDING HIGHWAY, SUITE 399
MAYS LANDING, NJ 08330-9902

VERIZON
ENGINEERING DEPT
10 TANSBORO RD., FL 2
BERLIN, NJ 08009

SOUTH JERSEY GAS COMPANY
1 SOUTH JERSEY PLAZA
FOLSOM, NJ 08037

COMCAST CABLE OF WILDWOOD
4315 NEW JERSEY AVE
WILDWOOD, NJ 08260

MIDDLE TOWNSHIP SEWER UTILITY
400 MECHANIC ST
CAPE MAY COURT HOUSE, NJ 08210

NEW JERSEY AMERICAN WATER COMPANY, INC.
ATTN: DONNA SHORT, GIS SUPERVISOR
1025 LAUREL OAK ROAD
VOORHEES, NJ 08043

MIDDLE TOWNSHIP WATER DISTRICT #2
PO BOX 608
WOODBINE, NJ 08270

RIO GRANDE AREA

WILDWOOD WATER UTILITY
CITY OF WILDWOOD
4400 NEW JERSEY AVE
WILDWOOD, NJ 08260

AVALON MANOR AREA

MIDDLE TOWNSHIP WATER DISTRICT #1
581 AVALON BLVD.
AVALON, NJ 08202

MIDDLE TOWNSHIP PLANNING BOARD

APPLICATION FORM

Block: 1450

Lot(s): 5 and 10

Name and address of applicant:

COUNTY OF CAPE MAY

4 Moore Road, Cape May Court House, New Jersey 08210

Applicant's telephone number:

Home: (609) 465-6885

Work:

Applicant's fax number:

Home: (609) 463-0705

Work:

Applicant's e-mail address: Jeffrey.Lindsay@CO.CAPE-MAY.NJ.US; jon@lgblaw.com

Property owner's name, address, telephone number(s) and fax number(s) if different from #1 and #2 above:

Same

Relationship of applicant to owner:

Not applicable

If holder of contract to purchase attach copy of contract

If other than owner, explain status, sign (and have notarized), the Consent To Application by Owner portion of this application form. This is located at the bottom of the Verification of Application page.

Not applicable

List the names, addresses, telephone, fax numbers, professions, and e-mail addresses of ANY and ALL professionals employed by the applicant in completing the application to the Planning Board and/or intended to be called as witnesses at the hearing on the application.

Name:	Address:	E-mail:	Phone:	Fax:
Jon D. Balastini, Esq.	801 Asbury Avenue, Suite 412 Ocean City NJ 08226	jon@lgblaw.com	609-399-0035	609-398-6847
Marc DeBlasio, PE,PP,CME	4701 New Jersey Avenue, Wildwood, NJ 08260	marc@deblasioassoc.com	609-854-3311	609-854-4323
William Burns	140 17th Street, Avalon, NJ 08202	Bill@BurnsCC.net	609-368-1962	609-482-4115
Joseph Powell, AIA, LEED AP BD+C,	1525 Locust Street, 5th Floor Philadelphia, PA 19102	info@bkp-llc.com	215-557-6509	215-557-6321

If applicant is a corporation or partnership, list all stockholders or partners owning 10% or more of the corporation or partnership and list their respective names, addresses, e-mail addresses, and telephone numbers:

Name:	Address:	E-mail:	Phone:
<small>Not Applicable</small>			

Location of premises: 3801 RTE 9 South
Street address:
Tax Block: 1450 Tax Lot(s): 5 and 10
Tax Map Sheet No.: _____

- Zoning District in which premises is located: TC
- B Business
 - CD Coastal Development
 - HV Hildreth Village
 - R Residential
 - RB Residential Business
 - RC Rural Conservation
 - SR Suburban Residential
 - TB Town Business
 - TC Town Center
 - TP Town Professional
 - TR Town Residential
 - VC Village Commercial
 - VR Village Residential

Yes Use is a permitted use in the applicable Zoning District
Yes Use is a conditional use in applicable Zoning District

Type of application presented: (designate all types of approvals sought)

Yes Hardship variance (N.J.S.A. 40:55D-70c(1))*
Yes Flexible (C) variance/balancing benefits and detriments (N.J.S.A. 40:55D-70c(2))*
____ Permit to build in street bed (N.J.S.A. 40:55D-34)*
____ Permit to build where lot does not abut street (N.J.S.A. 40:55D-36)*
*Where application involves a subdivision, site plan or conditional use approval, but not a Variance pursuant to N.J.S.A. 40:55D-70d.

Yes Site plans *
____ Minor Amended
____ Major
____ Preliminary
____ Final
____ Waiver of site plan itself

_____ Subdivision
 Minor
 Major
 Preliminary
 Final
 Yes _____ Waivers from subdivision and/or site plan standards *
 _____ Conditional Use Approval where all conditional use standards are
 satisfied
 _____ Other

Request is made for permission to: (Describe project and type of approval(s) sought.)

_____ Applicant requires amended site plan approval in addition to waivers and variances. See Cover Letter.

If variances are sought: (Describe type of relief sought and Ordinance Sections not satisfied. **ALL** variances must be listed.)

 _____ Maximum coverage, impervious
 _____ Parking Spaces
 _____ Storefront and Directory signs

If waivers from subdivision/site plan standards are sought: (Describe type of relief sought and Ordinance Sections not satisfied. **ALL** waivers must be listed.)

_____ Existing and proposed runoff calculations and soil borings indicating the depth to seasonal high water
 _____ Traffic Study, Environmental Impact Assessment, Environmental Assessment Report

Supply the following information concerning this application. If more than one lot is involved, attach additional sheets.

	EXISTING CONDITION	REQUIRED BY ORDINANCE	PROPOSED	VARIANCE REQUIRED YES/NO
LOT SIZE:				
Lot Area	_____	_____	_____	_____
Lot Frontage	_____	_____	_____	_____
Lot Width	_____	_____	_____	_____

See Attached Zoning Schedule

****See Attached Zoning Schedule****

PRINCIPAL BUILDING

Side Yard
Each _____
Side Yard
Total _____

Front Yard _____

Rear Yard
Building
Height (max.) _____

ACCESSORY BUILDING

Side Yard,
Each _____

Rear Yard _____

Distance to
Other buildings _____

Building
Height (max) _____

MAXIMUM COVERAGE

Building
Coverage (%) _____

Lot Coverage (%) _____

BUFFER
(Describe type)

**See Attached Zoning Schedule **

VARIANCE

EXISTING	REQUIRED BY CONDITION	PROPOSED ORDINANCE	REQUIRED	YES/NO
PARKING				
No. of spaces	_____	_____	_____	_____
SIGNS (List all separately)				
Size	_____	_____	_____	_____
Number	_____	_____	_____	_____
Type (Free- Standing or Building Mounted)	_____	_____	_____	_____

OTHER REGULATIONS

Is a public water line available?	Yes _____	No _____
Is a public sanitary sewer line available?	Yes _____	No _____

Has there been any previous appeal, request or application to this Board or to the Zoning Board involving these premises? If yes, state which Board, state the nature of application, date of application, date of hearing and result received from Board.

Yes. Please see attached Resolutions from 2019. Other Resolutions from 1998 and earlier are available.

List any adjoining lands owned by applicant and or by owner of parcel subject to the application. Supply tax block(s) None and lot(s) None

JUSTIFICATION FOR RELIEF SOUGHT

A short summary of the reasons why the applicant is entitled to the relief sought from the Planning Board is to be provided on a **separate sheet(s) of paper** and enumerated with the appropriate paragraph number under which the relief is sought (paragraph numbers 1-9 inclusive).

See Cover Letter.

See **APPENDIX** of this form for information concerning proofs necessary to secure approvals for applications of the type noted in paragraphs 1-9 inclusive.

1. Attach to this application a statement of facts showing why the variance relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Middle Township Zoning Plan and Zoning Ordinance. State why the variance can be granted without substantial harm to the neighborhood and without significant overturning of the Township Zoning Plan.

2. Attach to this application a statement specifying the hardship/exceptional conditions of the specific property involved justifying the granting of a variance pursuant to N.J.S.A. 40:55D-70c(1).

3. Attach to this application a statement setting forth the facts supporting the contention that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question and the benefits of that deviation would substantially outweigh any detriment pursuant to N.J.S.A. 40:55D-70c(2).

4. Waivers from specific individual standards set forth in the Subdivision/Site Plan Ordinance.

Subdivision/Site Plan Ordinance standards from which waivers are sought:

Existing and proposed runoff calculations and soil borings indicating the depth to seasonal high water

Traffic Study, Environmental Impact Assessment, Environmental Assessment Report

Proposed alternative:

Not applicable. However, the Applicant is prepared to address any questions the Board or Board's engineer may have for the Applicant.

5. State Residential Site Improvement Standards. (See number 1 above)

6. Waivers of Site Plan Itself

Supply required information for site plan waiver as noted above.

Not applicable

7. Conditional Uses. Attach to this application, a statement setting forth how the application meets the standards for approving a Conditional Use. Conditional uses must meet general requirements listed in the Middle Township Zoning Ordinance (Section 250-26.1) as well as those applicable to the respective, specific use noted in Section 250-27 through 250-46 inclusive.

8. Attach supporting reasons for applications pursuant to N.J.S.A. 40:55D-34 (Issue a permit for structures to be in the bed of a street).

9. Attach supporting reasons for applications pursuant to N.J.S.A. 40:55D-36 (Permit to erect structure on lot not abutting approved street).

10. All applicants must supply with this application the required fees (application and escrow) the necessary survey, plan, plat, architectural plans and the following Planning Board forms (as appropriate for the type of application involved) together with all attachments required in connection with the forms:

**Application Form including Verification of Application
Survey, Plan, Plat Affidavit**

Application for Development Fees

Escrow fees and Application fees

Proof of Payment of Taxes

Notice of Hearing (if applicable)

Affidavit of Service*

Applications involving Subdivisions

Applications involving Site Plans

Applications involving Conditional Uses/Applications involving Variances

Subdivisions and Site Plans requiring County Planning Board approval

*** To be filed no less than five (5) business days before the hearing date.**

VERIFICATION OF APPLICATION
(INDICATE STATUS OF APPLICANT BELOW)

- Applicant is owner of property
 Applicant is not owner of property but has an Agreement of Sale and the consent of the owner to make this application.
 Other (specify)

STATE OF NEW JERSEY:

ss

COUNTY OF CAPE MAY:

Jeffrey Lindsay, being of full age and duly sworn according to law, upon his/her oath, deposes and says that the information set forth in the application form, survey, subdivision plan, site plan and related documents submitted in connection with this application is true and correct and that they accurately portray the proposed project for which Planning Board approvals are sought.

Applicant's Signature

Sworn and subscribed to
before me this 14th
day of February, 2020.
Notary Public
My Commission Expires _____

[Signature]
Attorney at Law

CONSENT TO APPLICATION BY OWNER OF PREMISES
(NEED NOT BE SIGNED IF OWNER IS APPLICANT)

I hereby consent to the application submitted to the Middle Township Planning Board with regard to the premises referred to in this application which premises is owned by me. Further, I agree to be bound by the following:

- 1) The application as submitted to the Board.
- 2) Representations made by the applicant as contained in the application and any and all documents submitted with the application or submitted at the hearing on the matter.
- 3) All representations made by the applicant to the Board at the hearing on the matter.
- 4) All agreements made by the applicant with regard to any and all requirements of the Board and any and all conditions of approval imposed by the Board.

Owner's Signature

Sworn and subscribed to
before me this 14th
day of February, 2020.
Notary Public
My Commission Expires _____

[Signature]
Attorney at Law

NOTE: A corporate applicant and/or owner certification must be signed by a fully authorized corporate officer and the seal of the corporation must be affixed. For partnership applicants and/or owners this certification must be signed by a general partner and he must be designated as such by notation beneath his signature.

**MIDDLE TOWNSHIP PLANNING BOARD
SITE PLAN INFORMATION FORM TO BE COMPLETED AND FILED WITH
APPLICATION**

GENERAL INFORMATION

Present use: Vacant and Retail stores

Proposed use: Retail stores and public office space for Cape May County

Size of proposed building: _____ (depth) _____ (width) _____ (height)
 _____ (# of stories) _____ (total sq. footage) _____ (# of units involved)

Architectural floor plans and elevations of all buildings and structures must be supplied.

Is a public water line available? Yes YES _____ NO

Is a public sanitary sewer line available? Yes YES _____ NO

List any "off-tract" improvements required of proposal:

None

List other applications required and state if applied for and/or received

Type:	Not applied	Date applied	Date Approval
	For:	For:	Received:

TBE

Soil borings **must** be supplied for all site plans.

Drainage calculations must be supplied for site plans.

At the time of an application for final approval the following shall be supplied:

- 1) Estimated cost of site improvement list prepared by developer's engineer
- 2) Performance guarantee in form approved by the municipal solicitor and in amount approved by the municipal engineer.

Variances sought (also list on Application Form)

 Maximum coverage, impervious

 Parking Spaces

 Storefront and Directory signs

Waivers sought (also list on Application Form)

Existing and proposed runoff calculations and soil boring indicating the depth to seasonal high water, Traffic Study, Environmental Impact Assessment, Environmental Assessment Report

COUNTY COMMONS
 BUILDING SIGN TABLE
 PROPOSED MODIFICATIONS
 02/12/2020

COUNTY COMMONS - BUILDING SIGN TABLE

	SQ. FT.	LINEAR FT. NORTH	SIGN SQ. FT. NORTH	LINEAR FT. EAST	SIGN SQ. FT. EAST	LINEAR FT. SOUTH	SIGN SQ. FT. SOUTH	LINEAR FT. WEST	SIGN SQ. FT. WEST	VARIANCE
1 - TRACTOR SUPPLY	24,870						PREVIOUSLY APPROVED			
2 - VETERAN'S CBOC	11,261						PREVIOUSLY APPROVED			
3 - ONE STOP CAREER CENTER	10,518						PREVIOUSLY APPROVED			
4 - CAPE MAY COUNTY HUMAN SERVICES	37,505						PREVIOUSLY APPROVED			
5 - RENT A CENTER	6,430						PREVIOUSLY APPROVED			
6 - UNOCCUPIED	7,496						PREVIOUSLY APPROVED			
6A - UNOCCUPIED	7,431	0	0	0	0	0	0	50.09	100	NO
7 - GAME OF CONES	2,420						PREVIOUSLY APPROVED			
8 - COUNTY ARCHIVES	13,907						PREVIOUSLY APPROVED			
9 - UNOCCUPIED	638						PREVIOUSLY APPROVED			
10 - CAPE SQUARE MOVIE BOWL	57,362						PREVIOUSLY APPROVED			
- NORTH CANOPY SIGN		156.39	75	0	0	0	0	0	0	YES - ADD'L SIGN
- EAST 2ND CANOPY SIGN		0	0	129.66	150	0	0	0	0	YES - ADD'L SIGN
-		-	-	-	-	-	-	-	-	-
12 - UNOCCUPIED	6,672						PREVIOUSLY APPROVED			
-		-	-	-	-	-	-	-	-	-
CORRIDOR	4,019						PREVIOUSLY APPROVED			
- SOUTH CORRIDOR ENTRY		0	0	0	0	110.09	150	0	0	RELOCATED

EACH BUSINESS SHALL BE PERMITTED ONE WALL SIGN OF TWO SQUARE FEET OF SIGN AREA FOR EACH LINEAR FOOT OF BUILDING WIDTH, BUT SHALL NOT EXCEED 150 SQUARE FEET.

SCHEDULE OF AREA AND YARD REQUIREMENTS FOR TOWN CENTER (TC) ZONE DISTRICT

BULK REGULATIONS	REQUIRED	EXISTING	PROPOSED	STATUS
LOT AREA	1 ACRE	15.25 ACRES	15.25 ACRES	CONFORMING
LOT WIDTH	150 FT	846.6 FT	846.6 FT	CONFORMING
LOT FRONTAGE	150 FT	75 FT	75 FT	EXISTING NON-CONFORMING
		440.51 FT	440.51 FT	CONFORMING
FRONT YARD	MIN 10 FT	79.7 FT	79.7 FT	*VARIANCE GRANTED
	MAX 25 FT	187.8 FT	187.8 FT	
SIDE YARD	10 FT	187.8 FT, 44.4 FT	187.8 FT, 44.4 FT	CONFORMING
	25 FT	232.2 FT	232.2 FT	CONFORMING
REAR YARD	10 FT	119.4 FT	119.4 FT	CONFORMING
MAXIMUM COVERAGE, BUILDING	50%	26.8% (173,512 SF)	26.8% (173,512 SF)	CONFORMING
MAXIMUM COVERAGE, IMPERVIOUS	80%	83.2% (552,622 SF)	84.1% (559,274 SF)	VARIANCE REQUIRED
MAXIMUM BUILDING HEIGHT	50 FT	< 50 FT	< 50 FT	CONFORMING
MAXIMUM STORIES	3	2	2	CONFORMING

PARKING SCHEDULE	REQUIRED	EXISTING	PROPOSED	STATUS
PARKING	948 SP		707 SP	VARIANCE REQUIRED
HANDICAP	2% OF 707 SP = 15 REQUIRED 23 PROVIDED	735 SP		CONFORMING
DISTANCE BETWEEN PARKING AREA AND BUILDING	15 FT		0 FT	*VARIANCE GRANTED

USE	REQUIRED	EXISTING	PROPOSED	PARKING REQUIRED
THEATER	1 SP/5 SEATS + 5 SP	1,314 SEATS	581 SEATS	122 SPACES
BOWLING ALLEY	4 SP/ALLEY	0 ALLEY	18 LANES	72 SPACES
RETAIL/OFFICE	1 SP/200 SF	136,732 SF	111,789	559 SPACES
RESTAURANT (TENANT #6)	1 SP/4 SEATS	0 SEATS	400 SEATS	100 SPACES
RESTAURANT (THEATER AREA)	1 SP/4 SEATS	450 SEATS	245 SEATS	62 SPACES
THEATER DECK	1 SP/4 SEATS + 1 SP/400 SF	0 SEATS	28 SEATS/2,500 SF	15 SPACES
MEDICAL	1 SP/150 SF	2,432 SF	2,432 SF	17 SPACES
			PREVIOUSLY REQUIRED: 1,029 SPACES REQUIRED: 948 SPACES	

SIGNAGE	REQUIRED	EXISTING	PROPOSED	STATUS
STOREFRONT SIGNAGE	2 SF/1 LF OF BUILDING MAX 150 SF	UNKNOWN	2 (CAPE SQUARE MOVIE BOWL)	VARIANCE REQUIRED
NUMBER OF FACADE SIGNS	0	-	1	*VARIANCE GRANTED
NUMBER OF FREESTANDING SIGNS	1	2	5	*VARIANCE GRANTED
FREESTANDING SIGNAGE	(1) 400 SF SIGN	(2) 282 SF PYLON	(1) 282 SF PYLON (1) 282 SF PYLON (3) 20 SF DIRECTORY	*VARIANCE GRANTED
SETBACK	10 FT	7 FT	7 FT	*VARIANCE GRANTED

LANDSCAPING REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	STATUS
MINIMUM BUFFER BETWEEN COMMERCIAL AREA AND RESIDENTIAL AREA	50 FT	3 FT	3 FT	*VARIANCE GRANTED
MINIMUM BUFFER BETWEEN PARKING AREA AND PROPERTY LINE	10 FT	3 FT	3 FT	*VARIANCE GRANTED

*VARIANCE GRANTED PER PLANNING BOARD, TOWNSHIP OF MIDDLE RESOLUTION #191107

RESOLUTION #191107

**PLANNING BOARD, TOWNSHIP OF MIDDLE
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

WHEREAS, the County of Cape May is the owner of a property located at 3801 Route 9 South in Rio Grande, Middle Township, New Jersey and also known as Block 1450, Lots 5 & 10 (the, "Property") on the Middle Township Tax Map; and

WHEREAS, the property is located within the Town Center ("TC") Zoning District within which governmental facilities are a conditional use; and

WHEREAS, the Applicant sought Preliminary and Final Major Site Plan approval to renovate the existing K-Mart commercial complex; and

WHEREAS, the various site plan improvements including landscaping, parking, lighting and signage will require "C" variance relief; and

WHEREAS, the Applicant requires waivers from: providing a storm water management plan; not providing less than 12 parking spaces in a row in a commercial zone; providing a free standing light tower lower than 25 feet; providing less than or equal to a 1 footcandle intensity at the property line; providing a traffic study; providing an environmental impact statement; and a community impact statement; and

WHEREAS, the application and supporting documents were properly filed and all the necessary fees and taxes were paid; and

WHEREAS, the proper notices were given to the persons and bodies as required by law and the necessary publications were undertaken and proofs with respect thereto have been filed; and

WHEREAS, a public hearing was held on June 27, 2019 and continued to July 25, 2019 and testimony was taken and exhibits reviewed; and

WHEREAS, the Planning Board voted to approve the application subject to the passage of a memorializing Resolution;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The following findings from the June 27, 2019 hearing are made:
 - a. All statements contained in the preamble to this Resolution are hereby incorporated by reference, as is the evidence submitted in support of the application.
 - b. The Applicant has standing to bring this application and the Board has jurisdiction to hear the matter.
 - c. Jon D. Batastini, Esquire of Loveland, Garret & Batastini represented the Applicant. Cape May County Counsel, Jeffrey R. Lindsay, Esquire also appeared on behalf of Applicant. Applicant presented the following professionals, all of whom were recognized and accepted as experts: Marc A. DeBlasio, PE of DeBlasio & Associates, and Joseph Powell, Architect.
 - d. The Applicant sought Preliminary and Final Major Site Plan approval to renovate the existing and substantially vacant K-Mart complex. The project requires various site improvements including but not limited to landscaping, parking, lighting and signage. The project will create a mixed public and private use campus housing an outpatient clinic for the Veteran's Administration, several commercial businesses, and County and State Offices. Conditional

use approval is required for the proposed government facilities in this Zone. The site plan improvements require "C" variance relief and developmental waivers.

- e. The project requires a "C" variance pursuant to Ordinance Section 250-409(E) for maximum front yard setback whereas 25 feet is permitted in the TC Zone and 79.7 feet on Route 47 and 187.8 feet on Route 9 exist.
- f. The project requires a "C" variance pursuant to Section 250-409(E) for maximum impervious coverage whereas 80% is permitted and 83.2% is proposed.
- g. The project requires a "C" variance pursuant to Section 218-77(B) for minimum off-street parking spaces, whereas 1029 spaces are required and 735 spaces are proposed.
- h. The project requires a "C" variance pursuant to 218-77(A)(6) for the required distance between a parking area and any building whereas 15 is permitted and 0 feet is proposed.
- i. The project requires a "C" variance pursuant to Section 218-81(B)(6) for the minimum buffer distance between a commercial area and any residential zone whereas 50 feet is permitted and 3 feet is proposed.
- j. The project requires a "C" variance pursuant to Section 218-81(D)(3) for minimum buffer distance between a parking area and any property line whereas 10 feet is permitted and 3 feet is proposed.
- k. The Applicant requires various "C" variances for the proposed signage including the required minimum setback distance from any lot line to a sign pursuant to Section 218-83 (C) whereas 10 feet is permitted and 7 feet is proposed; maximum number of wall signs pursuant to Section 218-(J)(1)(a) is 1 per business whereas it is unclear what is proposed; from maximum wall sign area pursuant to Section 218-83(J)(1)(a) whereas 2 square feet per 1 linear feet building width with a maximum of 150 square feet is permitted and it is unclear what is proposed; the required number of freestanding signs pursuant to Section 218-83(J)(2) is 1, whereas 5 (2 pylon and 3 directional) are proposed; and the required maximum freestanding sign area is 400 square feet for retail square footage over 101, 001 pursuant to Section 218-83(J)(2) and 625 SF is proposed.
- l. The project also requires waivers from providing a traffic study, an environmental impact statement and a community impact statement.
- m. The project requires a developmental waiver from providing a stormwater management plan in accordance with Section 218-73.
- n. The project requires a waiver from providing less than 12 parking spaces in a row in a commercial zone in accordance with Section 218-81(B)(3).
- o. The project requires a waiver for a freestanding light tower lower than 25 feet.
- p. The project requires a waiver for providing less than or equal to a 1 footcandle intensity at the property line.

- q. Mr. Lindsay is familiar with the project by virtue of his position of County Counsel. His testimony provided a detailed overview of the project. He testified that the project entails the renovation of the existing K-Mart complex. The property consists of approximately 15 acres. The project will be constructed on the existing building footprint. The design and aesthetic of the facility will conform to the character of the area. When completed, the campus will be called "County Commons." It will be a public and private use facility. County Commons will include some County and State Offices, a community based outpatient clinic operated by the Veteran's Administration ("VA") that is expected to operate Monday through Friday between 9 a.m. and 5 p.m. and offer various services to veterans. County Commons will include some private enterprises such as Rent-A-Center and Game of Cones, and potentially a Tractor Supply store. Applicant intended to solicit bids from potential tenants relating to the vacant space formerly occupied by a Save-A-Lot Supermarket and a Frank's Movie Theatre. Mr. Lindsay expressed the hope that a potential investor might create an entertainment facility which would include a cinema. He indicated that obtaining additional tenants is essential to the success of County Commons.
- r. Mr. Powell is a licensed architect in the State of New Jersey. He was hired to transform the K-Mart complex into office and retail space and to design the VA Clinic. At the June 27, 2019 hearing, he explained that the project will not increase the square footage of the existing building footprint. He further described the aesthetic of the building and the materials to be used. Each proposed unit will have an exterior access point. He generally described the proposed signage at the complex. The overarching goal of the signage is to increase traffic to the complex, particularly for the public services being offered and for the private enterprises.

He indicated that there will be pylon signs at Route 9 and Route 47, where the present signs are. The signs will match. Each may have an electronic message board and also contain up to 12 sign slots for tenants. Each pylon sign will display the name of County Commons. He provided a sketch of the anticipated lettering and colors. He proposed that the electronic message board have a 1 minute refresh rate for messages. This was not acceptable to the Board. The message display may only be changed once during any 24 hours period. Each pylon sign will 35 and ½ feet in height. He indicated that this size was necessary to attract people to the complex and to facilitate the tenants' needs.

Mr. Powell testified that the project requires 3 wayfinding or directional signs at each driveway with 1 on Route 47 and 2 on Route 9. The signs will be 4 x 8 feet, made of a metal material, and will be illuminated from below by lights shining up. The signs are designed to direct visitors from each entrance to their respective destination within the complex.

Mr. Powell submitted A-4 which is an elevation depicting the proposed signs, including all wall mounted signs. With respect to the wall mounted signs, they will be controlled by the County. They will be uniform and illuminated by indirect and shielded lighting. Each sign will be 139 SF.

- s. Mr. DeBlasio was the next expert to testify. At the June 27, 2019 hearing, he described all technical aspects of the project from an engineering perspective. He detailed the technical improvements at the location, and described the lighting. He also described the landscaping plan. With respect to parking, he indicated that the Applicant will provide 737 spaces. In his opinion, and given the nature and hours of the various operations within the complex, although the number of parking spaces is well short of that of required by the Ordinance it was more than adequate for the needs of those using the complex. He further opined that the proposed parking plan will be a substantial improvement over what historically existed at the complex.
- t. According to Mr. DeBlasio, 6 "C" variances were needed for the various site improvements, and several more were needed specifically as to signage. Most of the variances related to existing non-conformities.
- u. A bulk variance is required for maximum front yard setback whereas 25 feet is permitted and 79.7 feet exists and is proposed along Route 47 and 187.8 feet exists and is proposed along Route 9.
- v. A bulk variance is required for the maximum impervious coverage whereas up to 80% is permitted and 83.2% is proposed.
- w. A bulk variance for the minimum number of parking spaces is required. Although the actual number was somewhat unclear at the June 27, 2019 hearing, it appears that the approximate number of parking spaces required is 1029 whereas 735 spaces are proposed.
- x. A bulk variance for the required distance between any parking area and any building is required. The Ordinance permits a buffer of 15 feet, whereas 0 feet are proposed.
- y. A bulk variance is required for minimum buffer between a commercial area and any residential zone. The Ordinance permits 50 feet, whereas 3 feet is proposed.
- z. Finally, the last variance needed that is unrelated to signage is for the minimum distance between a parking area and any property line. The Ordinance permits 10 feet, whereas 3 feet is proposed.
- aa. Mr. DeBlasio offered his expert opinion that all of the variances referenced above satisfied the MLUL criteria for obtaining such variance relief. He testified that the variances largely dealt with pre-existing nonconformities and/or related to deviations from the Ordinance which will improve the site. He indicated that all of the variance relief requested pertaining to minimum setback(s), minimum buffer between commercial and residential zones, minimum buffer between parking area and property line, and with respect to parking advanced the purposes of the MLUL and the local zoning scheme and master plan and were in the public interest. He cited various goals of the MLUL which were advanced by the variance relief requested and that the benefits outweigh any detriment to the zoning plan and public good. In fact, Mr. DeBlasio opined that none of the variances requested create any detriment whatsoever to the public good and in no way impaired the zoning plan.
- bb. Mr. DeBlasio acknowledged that numerous "C" variances are required as to signage. Although it was somewhat unclear at the

June 27, 2019 hearing exactly what sign variances were needed, several were identified and discussed.

- cc. Section 218-83(C)(4) provides that the required minimum setback distance from any lot line to a sign is 10 feet, whereas 7 feet is proposed.
- dd. Section 218-83(J)(1)(a) provides that the maximum number of wall signs is 1 per business, and it appears that at least 1 of the tenants will require more than 1 sign.
- ee. Section 218-83(J)(1)(a) provides that the maximum wall sign area is 2 SF per 1 linear feet building width with a maximum of 150 feet and it is unclear what is proposed. At the June 27, 2019 hearing it was unclear whether this variance was necessary.
- ff. Section 218-83(J)(2) provides that a maximum of 1 free standing sign is permitted and 5 are proposed.
- gg. 218-81(b)(6) permits a maximum freestanding sign area of 400 SF for retail square footage over 101,001, whereas 625 SF is proposed.
- hh. Mr. DeBlasio offered testimony concerning the waivers requested by the Applicant. He explained the need for waivers from providing a traffic study, an environmental impact statement and a community impact statement. His opinion was that these requirements were not necessary as the property operated as commercial complex for many years and it will continue as such.
- ii. Mr. DeBlasio expressed his opinion that the requested waivers from providing a stormwater management plan, from providing less than 12 parking spaces in a row in a commercial zone, and from providing a freestanding light tower lower than 25 feet are reasonable. With respect to the waiver request from providing less than or equal to 1 footcandle intensity at the property line, he indicated that Applicant will provide shielding on all lights located at the perimeter of the property.
- jj. Mr. DeBlasio offered some testimony as to the signage but the Board requested that he defer further testimony until it heard from the Board Engineer, Vincent C. Orlando, PE, PP, LLA (the, "Board Engineer"). At that point, the meeting was opened to Mr. Orlando.
- kk. At the June 27, 2019 hearing, Applicant submitted as A-1 a colorized site plan; A-2, overhead photograph of existing site; A-3, a panoramic photograph of the existing site; and A-4, an elevation generally depicting signage.
- ll. The Board Engineer submitted a Review Memorandum dated June 25, 2019 (hereinafter, the "Review Memorandum") which was made part of the record. With the exception of the variances related to the signage, Mr. Orlando took no issue with the Application, including the proposed variances and waivers, subject to the comments and conditions set forth in his Review Memorandum. With respect to parking and the requested variance, Mr. Orlando testified that his analysis assumed that the presently unoccupied space will be utilized for retail and office space in the future. He cautioned that different uses might change the parking calculation and require the Applicant to return to the Board for approval.

At the June 27, 2019 hearing, Mr. Orlando suggested that Applicant be required to provide more detailed plans as it related to signage. He recommended that the Board approve the Application in all other aspects, but require the Applicant to submit more detailed plans with respect to the proposed signs and return to the Board at a future date to be heard on the variance requests related to signage.

- mm. After Mr. Orlando testified, Applicant presented John Babb as a witness. Mr. Babb is employed in a management capacity with Tractor Supply Co. ("Tractor Supply"). Tractor Supply is a national rural life retailer offering products for home improvement, agriculture, garden maintenance, and livestock and pet care as well as other products. Tractor Supply is in negotiations with the Applicant to lease space to operate a retail store in the complex.

Mr. Babb explained that the set-up of the typical Tractor Supply store, and that of the proposed store at County Commons, will include outdoor merchandise displays as well as a fenced in display/storage area adjacent to the store. He indicated that the outdoor display areas and outdoor storage area will not implicate any proposed parking. He described the outdoor display and storage areas as being critical to the operation.

Mr. Orlando questioned whether the proposed area will require an additional variance(s). He also recommended that the outdoor display areas be established in a manner so as not to eliminate or impede walkways and that a 5 feet wide walkway be left in front of the store. He further recommended that these areas be striped and depicted on the plans. This was acceptable to Applicant.

Mr. DeBlasio testified that to the extent such display areas and/or the outdoor display/storage area occasioned the need for a variance(s), that the public notice was broad enough to include such variance relief. He testified that this variance relief easily meets the criteria for a "(C)(2) variance. He opined that such relief will not impair the goals of the MLUL, nor will it impair the Zoning Ordinance or Master Plan in any way. The Board Engineer concurred with this testimony.

- nn. Applicant agreed to comply with all of the comments and conditions set forth in the Engineer's Review Memorandum, including submission of the sign package.
- oo. A letter from the Bureau of Fire Prevention, Middle Township Fire District #2 dated June 13, 2019 was entered into the record. Applicant agreed to conform to all of the conditions established by the Bureau of Fire Prevention set forth in the letter.
- pp. The meeting was opened to the public for comment.

Edward Dillo, who resides at 179 Stagecoach Road, Cape May Court House in Middle Township spoke. He inquired whether NJ Transit would be adding County Commons as a bus stop. He also inquired whether Middle Township will benefit from the project in terms of real estate taxes. His inquiries were answered to his satisfaction by the Applicant and the Board.

William J. O'Connell, who resides in North Wildwood, owns a property and business known as Rita's Water Ice located next to

the site on the southern side. Mr. O'Connell is also a member of the North Wildwood Planning and Zoning Board. He expressed the opinion that the project was very beneficial to the area.

Vincent Kane, who is the Director of the VA in Wilmington, Delaware, is very familiar with the proposed VA clinic. He was extremely supportive of the project, primarily as it relates to the services that will be made available to veterans.

Greg Janicki, residing at 206 School Lane, Rio Grande in Middle Township, which is immediately adjacent to the project, was generally supportive. However, he expressed some concerns about noise from generators. To assuage his concerns, the Applicant agreed to plant at least 5 tall, mature trees along his property line to buffer noise. Applicant agreed that such landscaping must be submitted to and approved by Mr. Orlando.

Mr. Orlando then embarked upon a discussion of the Board's consistent requirement that all landscaped areas including mulched areas include irrigation with rain sensors. While the Applicant agreed to conform to this policy with respect to the rest of the site, it did not agree to this condition with respect to the buffer area adjacent to the Janicki residence. Alternatively, the Applicant agreed to maintain the trees. Mr. Janicki and the Board were satisfied with either alternative.

2. The following conclusions were made at the June 27, 2019 hearing:
 - a. All procedural requirements have been met by the Applicant.
 - b. All Municipal Ordinances relating to land use are satisfied subject to the variances and other developmental approvals herein granted.
 - c. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for maximum front yard setback whereas 25 feet is permitted and 79.7 feet exists and is proposed along Route 47 and 187.8 feet exists and is proposed along Route 9 be GRANTED.
 - d. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for maximum impervious coverage whereas up to 80% is permitted and 83.2% is proposed be GRANTED.
 - e. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for minimum number of parking spaces whereas 1029 parking spaces are required and 735 spaces are proposed be GRANTED.
 - f. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for the required distance between any parking area and any building whereas a 15 feet buffer is permitted and 0 feet is proposed be GRANTED.
 - g. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for the minimum buffer between a commercial area and any residential zone whereas 50 feet is permitted and 3 feet is proposed be GRANTED.
 - h. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for the minimum

distance between a parking area and any property line whereas 10 feet is permitted and 3 feet is proposed be GRANTED.

- i. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for minimum setback distance from any lot line with respect to the 2 pylons signs whereas 10 feet is permitted and 7 feet is proposed be GRANTED.
 - j. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for maximum of 1 free standing sign is permitted and 5 are proposed (2 pylon signs and 3 directional signs) be GRANTED.
 - k. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for maximum freestanding sign size for retail square footage over 101,001, whereas 400 SF is permitted and 625 SF is proposed be GRANTED.
 - l. The Board concludes that Applicant has submitted adequate and convincing proof that its request for waivers from providing a traffic study, environmental impact statement and a community impact statement be GRANTED.
 - m. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a waiver from providing a stormwater management plan be GRANTED.
 - n. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a waiver from not providing less than 12 commercial parking spaces in a row in a commercial zone be GRANTED.
 - o. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a waiver from providing a freestanding light lower than 25 feet be GRANTED.
 - p. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a waiver from providing less than less than or equal to 1 footcandle intensity at the property line provided all perimeter lighting shall be light shielded be GRANTED subject to the Applicant's agreement to shield all perimeter lighting.
 - q. The Board concludes that Applicant's request for variances as to the permitted number of wall signs and the permitted wall sign size is unclear. Based upon the Board Engineer's recommendation and the Applicant's request, the Board will Grant preliminary approval for the site plan application along with the other aforementioned variances and waivers, but require the Applicant to submit more detailed plans with clearer wall mounted sign specifications to address the 2 remaining variance requests as to signage and return to the Board in the future concerning those requests.
3. Accordingly, at the June 27, 2019 hearing the Applicant's request for Preliminary Major Site Plan approval along with the aforementioned bulk variance and waivers be and hereby was GRANTED subject to the following conditions:

- a. Applicant shall comply with the review comments and conditions set forth in the Engineer's Review Memorandum of June 25, 2019 including any additional conditions placed on the record.
 - b. Applicant shall plant at least 5 tall, mature trees along the buffer between the site and the Janicki property. The landscaping plan shall be subject to the inspection and approval of the Board Engineer. Applicant shall install an irrigation system for all landscaped areas with rain sensors. The irrigation system shall include the Janicki buffer unless the County agrees to maintain the planted trees. Applicant shall inform the Board Engineer of its decision in connection with the trees prior to the issuance of the construction permit.
 - c. The Application shall be subject to the conditions and comments set forth in the June 13, 2019 letter from the Bureau of Fire Prevention, Middle Township Fire district #2.
 - d. Applicant agrees that the message display on electronic message board on the pylon sign(s) shall have a refresh rate no shorter than 24 hours.
4. Applicant returned to the Board on July 25, 2019 for Final Major Site Plan approval, and to address the remaining variances with respect to signage and other site plan issues. The following findings were made at the July 25, 2019 hearing:
- a. Mr. Batastini again represented the Applicant. Mr. Lindsay also appeared. Messieurs DeBlasio and Powell also appeared as land use experts for the Applicant. .
 - b. Subsequent to the June 27, 2019 hearing, Applicant submitted revised plans to address the issues that arose with respect to the signage. Specifically, updated plans were submitted to address the 2 variances which were carried from the June 27, 2019 hearing. These variances related to the number and size of wall mounted signs.
 - c. Previous "C" variance relief was granted for the various site improvements including parking, lot coverage, setback, landscaping, lighting and signage.
 - d. Additional "C" variance relief is required for building signs. Applicant requires a variance as to the number of wall signs. The Ordinance permits 1 per business plus 50% when facing 2 major highways and 2 are now proposed for Social Services.
 - e. Applicant proposes a County Commons façade sign. The Ordinance does not permit a façade sign so a variance is required. This was not discussed at the June 27, 2019 hearing.
 - f. Applicant now requires a variance as to an increase in impervious coverage due to minor adjustments to the site plan. On June 27, 2019 the Board approved a variance for 83.2% coverage whereas the Ordinance permits 81%. Slightly more impervious coverage is proposed.
 - g. Pursuant to a Lease Agreement with the adjoining property owner, namely William J. O'Connell t/a Rita's Water Ice, the Applicant will be utilizing approximately 1755 SF of Lot 9, block 1450 to widen the thruway adjacent to Applicant's property.

- h. Applicant now requires a variance for minimum off street parking whereas the Board granted a variance to permit 735 spaces whereas 726 spaces are now proposed.
- i. Applicant now requires a variance for maximum fence height whereas 10 feet is existing, 6 feet is permitted, and 8 feet is proposed.
- j. Applicant requested a waiver for providing a two-way driveway with a width of 24 feet along Route 9. Applicant withdrew this waiver request at the July 25, 2019 hearing.
- k. Mr. Powell testified that the building will house 13 wall mounted signs of uniform dimension and material. He indicated that they will be illuminated from behind by LED lights and they will all conform to the Ordinance as to size and height. Consequently, a variance as to size is not necessary.
- l. He offered expert testimony that the variance requests relating to the 2 wall mounted signs for Social Services and the 1 facade sign for County Commons met the MLUL criteria for such variances. He opined that these variances furthered the goals specified by the MLUL and did not impair the zoning scheme or the public good in any way.
- m. Mr. DeBlasio testified next. He testified primarily as to the revisions to the site plan subsequent to the June 27, 2019 hearing.
- n. Mr. DeBlasio testified that the revised plans addressed all of the conditions required by the June 13, 2019 letter from the Bureau of Fire Prevention.
- o. He acknowledged that the Applicant will plant the trees along the Janicki property line subject to the inspection and approval of Mr. Orlando.
- p. He discussed the revisions made to the plans to delineate the storage and display areas and walkways outside of the Tractor Supply store.
- q. He explained the anticipated truck traffic flow to and from the Tractor Supply store loading dock. Applicant agreed to supply the turning template to Mr. Orlando for his approval as a pre-condition for the issuance of a construction permit.
- r. He also offered expert testimony concerning the remaining variances as to parking, impervious lot coverage and fence height.
- s. As a result of the site plan changes, primarily due to placing permanent trailer(s) at the site, proposed parking was reduced by approximately 9 spaces. Previously, the Board granted a variance for 735 parking spaces whereas 1029 were permitted. Applicant now proposes 726 spaces.
- t. Mr. DeBlasio indicated that the variance was appropriate for the same reasons he articulated at the June 27, 2019 hearing.
- u. He agreed that as a result of the revisions to the site plan impervious coverage was slightly increased. Previously the Board approved a variance for impervious coverage of 82.3% whereas 80% was permitted. He explained that this increase was negligible

and opined that such variance was appropriate for the same reasons he articulated at the June 27, 2019 hearing.

- v. He further explained that the existing fence around the K-Mart display area was 10 feet in height. The Ordinance permits 6 feet. Applicant proposes 8 feet which requires a variance. Again, Mr. DeBlasio opined that this change was negligible. Therefore, he opined that the variance relief requested was appropriate and satisfied the MLUL criteria.
 - w. The Board Engineer submitted a Review Memorandum dated July 24, 2019 (hereinafter, the "Review Memorandum") which was made part of the record. Mr. Orlando essentially concurred with Applicant's experts as to all of the variances with the exception of the parking variance. With respect to parking, he explained that the changes to the site plan reduced the proposed number of parking spaces from 735 to 726, or 9 spaces. He also took issue with respect to the waiver request for providing a 24 foot width two-way driveway.
 - x. Mr. Orlando pointed out that the site plan required the Applicant to utilize approximately 1775 SF of the neighboring property owned by Mr. O'Connell.
 - y. Mr. Lindsay spoke to that issue. He testified that Applicant and the neighbor, Mr. O'Connell had an agreement in principle for the Applicant to lease that portion of Mr. O'Connell's property. The Agreement would grant the County use and control of the leased property for a minimum of 20 years, or so long as the Tractor Supply store operated, if that period was shorter. However, the formal Lease Agreement was not yet executed.
 - z. The Board was satisfied with that arraignment provided the formal Lease Agreement was provided to the Board Solicitor and met with his approval. Applicant agreed to this condition.
 - aa. With respect to the waiver request concerning the 24 feet wide driveway, after some discussion with Mr. Orlando on the record Applicant agreed to withdraw this request.
5. Accordingly, the following findings and conclusions were made at the July 25, 2019 hearing:
- a. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for impervious lot coverage be GRANTED.
 - b. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for minimum number of parking spaces be granted whereas 1029 spaces are permitted and 726 parking spaces are proposed be GRANTED.
 - c. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for maximum number of wall signs whereas 1 per business is permitted and 2 are proposed as to the Social Service tenancy be GRANTED.
 - d. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance to permit a 50 SF "County Commons" façade sign whereas the Ordinance does not permit any be GRANTED.

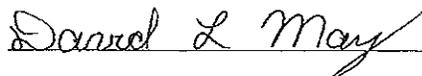
- e. The Board concludes that Applicant has submitted adequate and convincing proof that its request for a variance for an 8 feet high fence whereas 10 feet is existing and 6 feet is permitted be GRANTED.
 - f. Applicant withdrew its request for a waiver to provide a 24 feet wide driveway for two-way traffic.
 - g. The Board concludes that Applicant has submitted adequate and convincing proof that its request for Final Major Site Plan Approval be GRANTED subject to the conditions outlined herein.
 - h. All of the conditions imposed by the Board at the June 27, 2019 hearing wherein the Board granted Preliminary Major Site Plan approval shall remain in full force and effect to the extent not modified at the July 25, 2019 hearing.
 - i. Applicant shall provide the turning template to the Board Engineer for his review and approval prior to the issuance of a construction permit.
 - j. Applicant shall provide the Board Solicitor with a copy of the Lease Agreement with Mr. O'Connell for review and approval as a condition of this final approval.
 - k. With the exception Janicki property line, all landscaped areas including mulched areas shall have an irrigation system with rain sensors. With respect to the Janicki property line where the Applicant is required to plant at least 5 tall, mature trees the Applicant shall have the option of either irrigating the area as described or maintaining the trees. Applicant shall apprise Mr. Orlando of its decision in connection with this issue prior to the issuance of a construction permit.
- 6. A copy of this Resolution shall be supplied to the Applicant and filed with the Township Clerk.
 - 5. A notice of this decision shall be published in the official newspaper of the municipality by the secretary of the Board.
 - 6. The Resolution shall take effect immediately subject to Applicant's compliance with the conditions set forth herein.
 - 7. The Proper Planning Board Officials are authorized to take all actions necessary to effectuate this approval subject to Applicant's compliance with the conditions herein contained.

The following Board Members were present at the July 25, 2019 meeting and voted for the approval sought: A. Anzelone, J. McLaughlin, E. Thomas; P. Lomax, T. Gandy, S. Copson, T. Schad and P. Crowding.

Presented by: S. Copson

Seconded by: T. Schad

The foregoing Memorializing Resolution was passed by the Planning Board of the Township of Middle at a meeting held on September 10, 2019. It memorializes a decision the Board reached on July 25, 2019.



David L. May, Secretary
Middle Township Planning Board

Stormwater Management Plan

for

County Commons Phase II

Proposed Major Site Plan

Block 1450, Lot 5 & 10
3801 Route 9 South

Township of Middle
Cape May County, New Jersey

Prepared by:

**DEBLASIO &
ASSOCIATES**

CONSULTING ENGINEERS AND PLANNERS

DeBlasio & Associates, P.C.

4701 New Jersey Avenue
Wildwood, NJ 08260
Phone: 609.854.3311

February 12, 2020



Marc A. DeBlasio, PE

Professional Engineer
New Jersey License No. 41599

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Site Information

This development plan proposes the creation of a Dumpster Storage Area for County Commons Phase II in Middle Township. The site contains an existing 552,622 square feet of impervious surface. The proposed development includes the construction of 6,120 square foot asphalted Dumpster Storage Area.

The subject property is shown as Block 1450, Lots 5 & 10 on the current tax maps for the Township of Middle. The proposed improvements are detailed on the plans entitled County Commons Phase II, Site Work Improvements, Township of Middle, Cape May County, New Jersey as prepared by DeBlasio & Associates.

Stormwater Runoff Rates and Volume

Existing Runoff

The existing site is comprised of a single drainage area and encompasses the entire site. The existing site includes 522,622 of impervious surface. The runoff from the existing impervious surface has been accounted for in a collection of underground storage pipes, inlets, and a basin. The overflow from the basin is routed to a storm manhole located on N.J.S.H. Route 9. The existing stormwater management system has been approved and properly drains the site.

Proposed Runoff

Due to the proposed development, the post-construction site will increase by 6,120 square feet of impervious surface.

The runoff from the proposed Dumpster Area has been calculated by considering the impervious surface. Runoff from the area will flow towards the multiple basins that are located in the Southwest corner of the parking lot. The runoff will then flow through a system of HDPE pipe to contain rainfall and lower peak runoff. The proposed discharge point is located in the basin along the south edge of the property line.

The following is a summary of the peak rates of runoff and total runoff volumes for each of the design storms. The detailed calculations for the drainage area can be found in Appendix A.

For Proposed Drainage Area 1, Area = 6,120 SF, CN=98

Design Storm	Volume (cubic-ft)	Peak Rate (cfs)
2	1,438	0.47
10	2,286	0.74
100	3,981	1.27

The proposed development size and composition (CN) has increased the amount of impervious coverage. Therefore, the proposed drainage area must be contained in a stormwater management system to reduce the peak rate of runoff off-site. Runoff from the proposed Dumpster Storage Area will be stored in the basin along the south edge of the basin. The basin will be excavated 6 inches, increasing the storage capacity by 4,000 cubic feet. This proposed increase will be able to store the calculated runoff from a 100 year design storm.

Since the proposed increase in runoff is contained onsite, the proposed stormwater management system satisfies the requirements.

Runoff Quality

The development plan is required to meet the standards for runoff quality as defined in the Ordinance and in the NJDEP Stormwater Rules. These standards require a total suspended solids (TSS) removal rate of 80%.

An infiltration basin provides a TSS removal rate of 80%, according to NJDEP regulations. To qualify as an infiltration basin, a proposed basin must fully store the NJDEP water quality storm (defined as 1 ¼" of rain over 2 hours) without exceeding a depth of 2 feet. Additionally, the maximum water surface elevation (WSEL) is well below the discharge point for the basin, so there is no discharge from the basin for the water quality storm. Therefore, the proposed infiltration area qualifies.

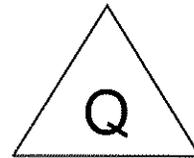
Summary

Due to the change in land use and the subsequent improvements made to the site, the total volume of runoff between the existing and developed condition have been retained.

The groundwater quality requirements of the ordinance have been met by the construction of an infiltration structure. The total TSS removal rate provided by the infiltration structure is 80%, which satisfies the requirement of an 80% minimum TSS removal.

Appendix A

Post-Development Conditions

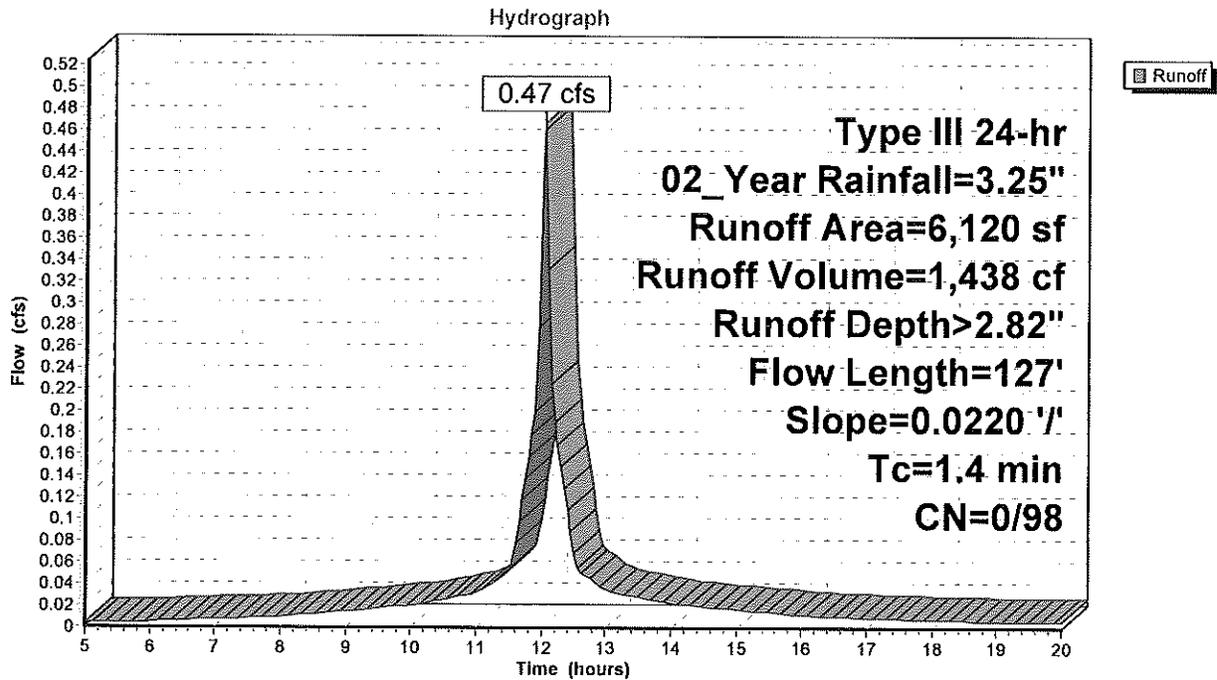


DUMPSTER STORAGE
AREA

RUNOFF

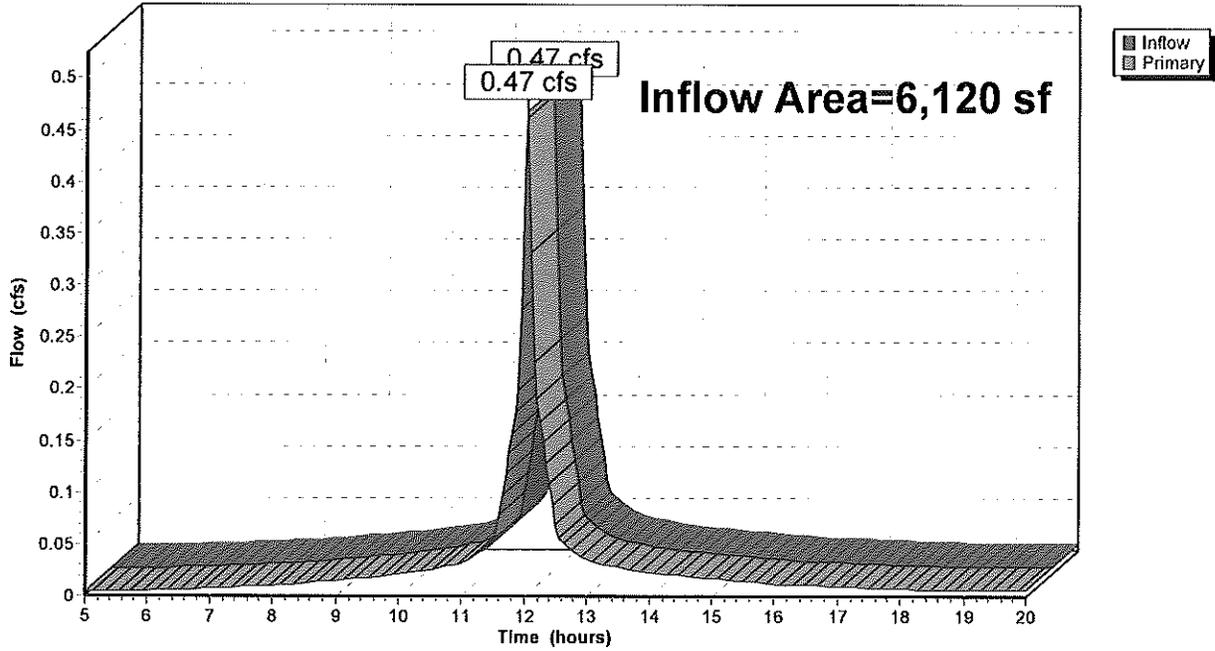


Subcatchment PA-01: DUMPSTER STORAGE AREA

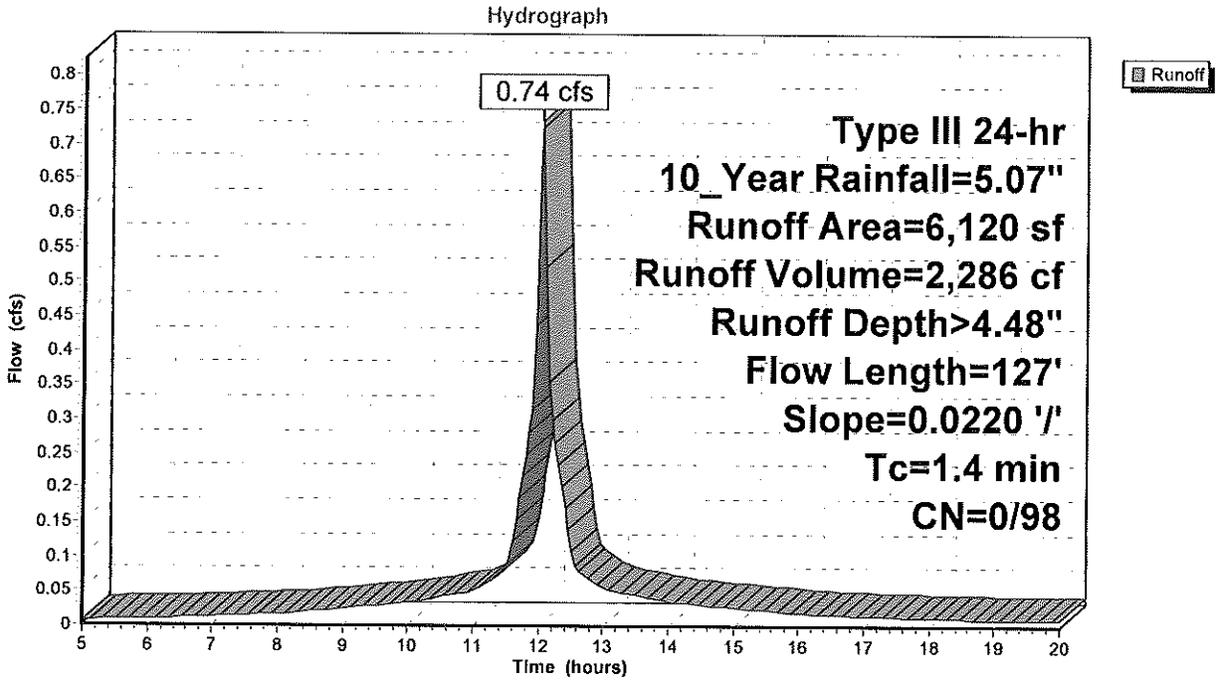


Pond Q: RUNOFF

Hydrograph

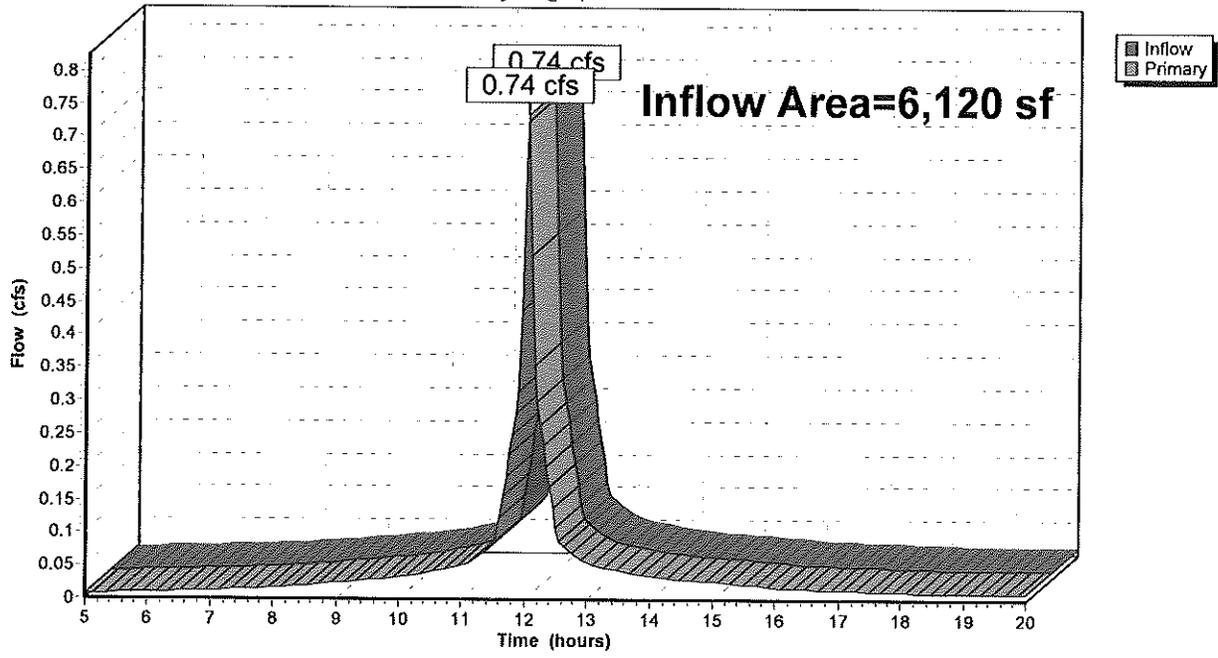


Subcatchment PA-01: DUMPSTER STORAGE AREA

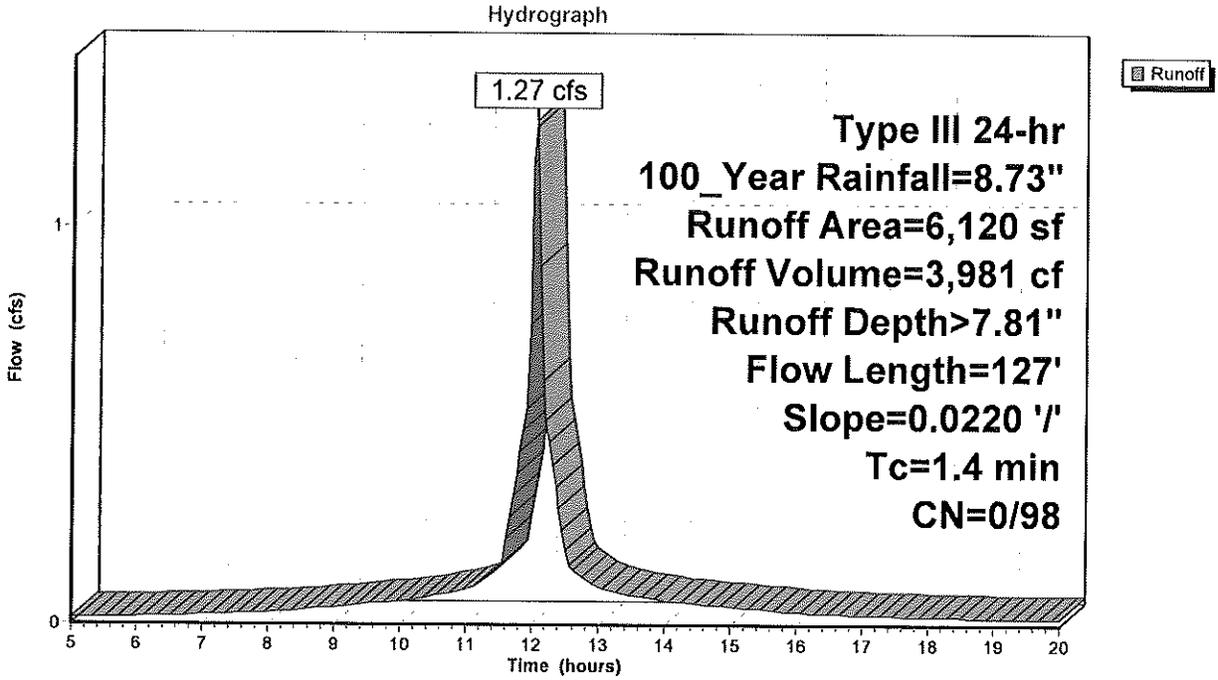


Pond Q: RUNOFF

Hydrograph



Subcatchment PA-01: DUMPSTER STORAGE AREA



Pond Q: RUNOFF

Hydrograph

